

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 266

ORDINANCE NO. 96 73

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO AGRICULTURAL (A-3a) AT WAIAKEA, SOUTH HILO , HAWAII, COVERED BY TAX MAP KEY 2-2-48:10.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-114, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be Agricultural (A-3a):

Beginning at the southeast corner of this parcel of land, being also the northeast corner of Lot 7 and on the westerly side of Awa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 15,282.50 feet South and 13,608.69 feet East, thence running by azimuths measured clockwise from true South:

- 1. 71° 00' 1,352.80 feet along Grant 13,035 to Martin John Branco (Lot 7);
- 2. 161° 00' 529.35 feet along Executive Order No. 2079 (Lot 10);
- 3. 269° 56' 44" 2.34 feet along Waiakea Uka Flood Control;

4. Thence along Waiakea Uka Flood Control on a curve to the left with a radius of 1,100.00 feet, the chord azimuth and distance being:

260° 28' 22" 362.07 feet;
5. 251° 00' 993.45 feet along Waiakea Uka Flood Control;
6. 341° 00' 469.00 feet along Awa Street to the point of beginning and containing an area of 14.729 Acres.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following:

- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval of the proposed subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- C. Covenants in the deeds of all the subdivided lots shall require that all uses established on the lots are in conformance with the statutory requirements of Chapter 205, Hawaii Revised Statutes (State Land Use Law) and Chapter 25, Hawaii County Code (Zoning Code). A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of

Conveyances with a copy of the recorded covenant to be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- D. Access(es) to Awa Street shall meet with the approval of the Department of Public Works.
- E. A wastewater disposal system shall meet with the approval of the Department of Health, Department of Water Supply and/or Department of Public Works.
- F. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the State Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- G. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- H. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, its successors or assigns, and that are not the result of their fault or negligence.
 2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.
 4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
- I. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 3, 1996

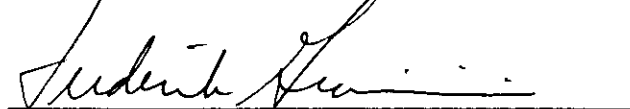
Date of 1st Reading: June 3, 1996

Date of 2nd Reading: June 19, 1996

Effective Date: June 27, 1996

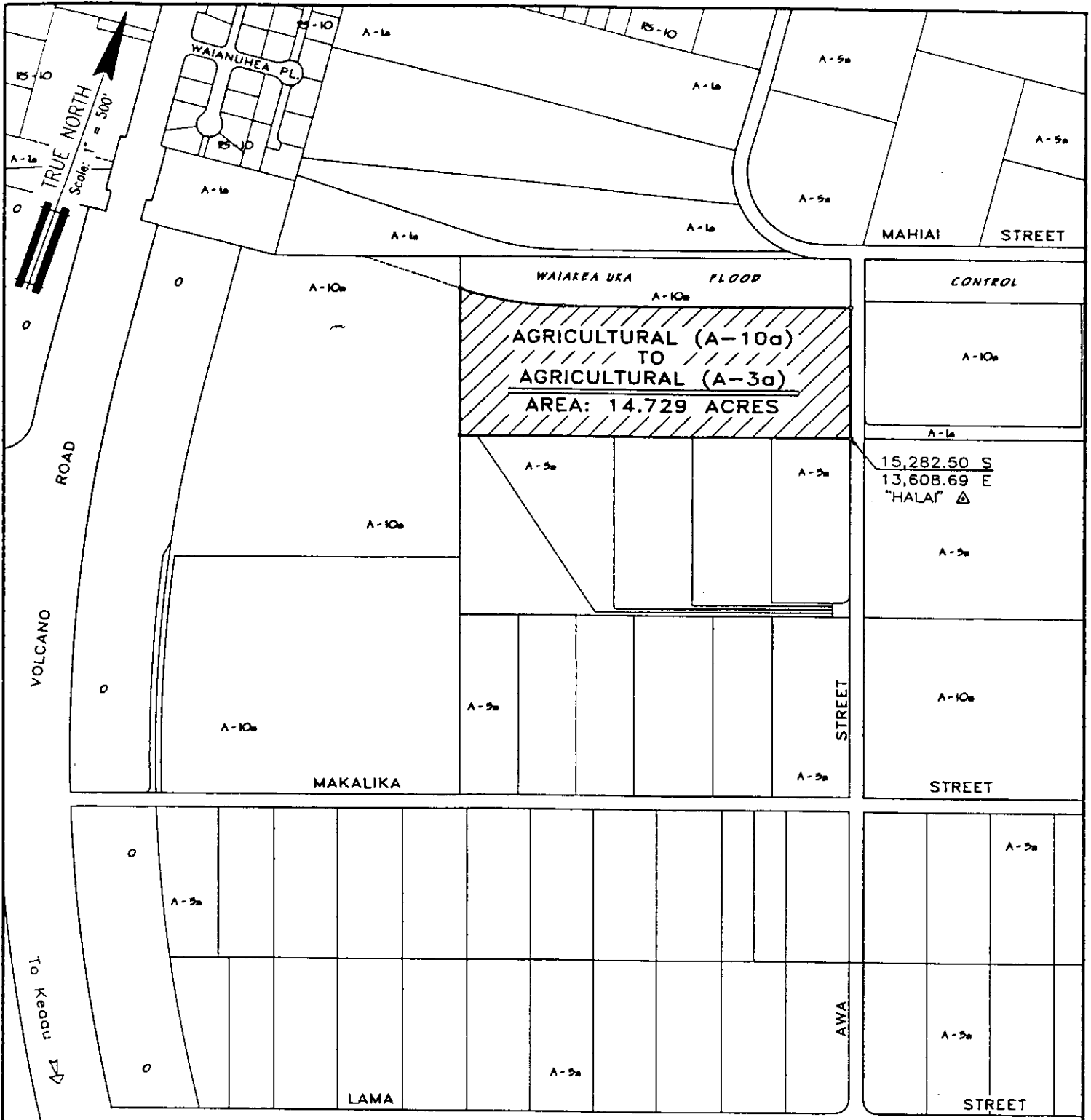
REFERENCE: Comm. 1154

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: 6/20/96



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO AGRICULTURAL (A-3a) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

Introduced By: Takashi Domingo
 Date Introduced: June 3, 1996
 First Reading: June 3, 1996
 Published: N/A

REMARKS:

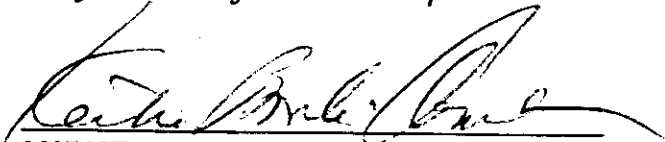
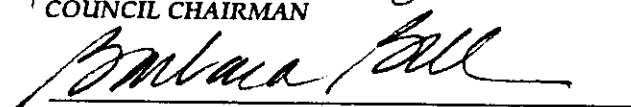
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson		X		
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	8	1	0	0

Second Reading: June 19, 1996
 To Mayor: June 20, 1996
 Returned: June 27, 1996
 Effective: June 27, 1996
 Published: July 8, 1996

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki			X	
Bonk-Abramson		X		
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	7	1	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 27 day
 of June, 1996.


 MAYOR, COUNTY OF HAWAII

Bill No.: 266
 Reference: C-1154/PC-117
 Ord. No.: 96 73